

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re CASSAVA SCIENCES, INC.)	Originating No. 1:21-cv-00751-DAE (W.D.
SECURITIES LITIGATION)	Tex.)
)	
)	CLASS ACTION
This Document Relates To:)	
)	PLAINTIFFS' MOTION TO IMPOUND
ALL ACTIONS.)	PURSUANT TO LOCAL RULE 7.2
)	

Pursuant to Local Rule 7.2 of the Local Rules of the United States District Court for the District of Massachusetts (“Local Rules”), counsel for lead plaintiff Mohammad Bozorgi and additional plaintiffs Ken Calderone and Manohar Rao (collectively, “Plaintiffs”) respectfully submit Plaintiffs’ Motion to Impound Pursuant to Local Rule 7.2 (“Motion to Impound”). In support of this Motion to Impound, Plaintiffs state the following:

1. This litigation is subject to a Confidentiality and Protective Order (ECF 116)¹ (the “Protective Order”), which was entered by the Honorable David Alan Ezra on August 14, 2023 in the United States District Court for the Western District of Texas, where this action is pending.

2. Section 12 of the Protective Order states:

In the event a party wishes to use any Confidential Information or Highly Confidential Information in affidavits, declarations, briefs, memoranda of law, or other papers filed in this litigation, the party shall do one of the following: (1) with the consent of the producing party, file only a redacted copy of the information; (2) where appropriate (e.g., in connection with discovery and evidentiary motions) provide the information solely for in camera review; or (3) file such information under seal with the Court consistent with the sealing requirements of the Court.

ECF 116 at 8.

3. Exhibits E-X to the Memorandum of Law in Support of Plaintiffs’ Motion to Compel the Production of Documents (“Memorandum of Law”), were designated by non-party Quanterix Corp. (“Quanterix”), located in this District, as “Confidential” pursuant to the Protective Order.

4. Certain portions of the Memorandum of Law quote or disclose information from Exhibits E-X.

¹ Unless otherwise noted, all ECF references are to *In re Cassava Sciences, Inc.*, 1:21-cv-00751-DAE (W.D. Tex.).

5. Plaintiffs seek to impound an unredacted copy of the Memorandum of Law, and Exhibits E-X to the Memorandum of Law, because Plaintiffs believe that these materials may assist the Court's consideration of Plaintiffs' Motion to Compel the Production of Documents.

6. Plaintiffs take no position at this time on the appropriateness of Quanterix's confidentiality designations to Exhibits E-X.

7. Plaintiffs respectfully request that the Court allow an unredacted copy of the Memorandum of Law, and Exhibits E-X to the Memorandum of Law, to be filed and impounded pursuant to Local Rule 7.2 to avoid the potential that certain information designated by Quanterix as "Confidential" would be disclosed in Plaintiffs' publicly filed documents.

8. The impoundment order can be lifted on the earliest of agreement of the parties, further order of the Court, or upon return of the materials to the parties at the close of the case.

9. Pursuant to Local Rule 7.2(c), which requires Court approval before submitting confidential materials under seal, Plaintiffs will promptly submit to the Court an unredacted copy of the Memorandum of Law, and Exhibits E-X to the Memorandum of Law, should the Court grant this Motion.

10. On the date this motion was filed, Plaintiffs' counsel served this Motion to Impound, the accompanying memorandum of law in support of Plaintiffs' Motion to Impound Pursuant to Local Rule 7.2, and the proposed order, on counsel for Quanterix.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion to Impound and the relief requested herein.

DATED: February 1, 2024

HUTCHINGS BARSAMIAN
MANDELCORN, LLP
THEODORE M. HESS-MAHAN (BBO #557109)

s/ Theodore M. Hess-Mahan

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I hereby certify that on January 11, 2024, Plaintiffs' counsel conferred with Quanterix's' counsel regarding the Motion to Impound, and on January 12, 2024, Quanterix informed Plaintiffs that the documents at issue should be subject to the Motion to Impound.

/s/Theodore M. Hess-Mahan
Theodore M. Hess-Mahan

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on February 1, 2024, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Theodore M. Hess-Mahan
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DECLARATION OF SERVICE

I, Theodore M. Hess-Mahan, not a party to the within action hereby declare that on February 1, 2024, I caused to be served the foregoing document by email on the parties to the within action, addressed as follows:

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I declare under penalty of perjury that the foregoing is true and correct. Executed on February 1, 2024, at Wellesley Hills, Massachusetts.

s/ Theodore M. Hess-Mahan

THEODORE M. HESS-MAHAN